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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 JAMES TRUJILLO,)
12 Plaintiff,)
13 vs.)
14 CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
15 Defendant.)
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CASE NO. ED CV 14-00253 RZ
MEMORANDUM OPINION
AND ORDER

17 Plaintiff James Trujillo seeks review of the Social Security Commissioner's
18 decision denying his disability benefits. The Court finds no error, and affirms.

19 Plaintiff makes two arguments: that the Administrative law Judge wrongly
20 discounted the opinions of the physicians, and that the Administrative Law Judge erred in
21 discrediting Plaintiff's own testimony. Neither argument has merit.

22 The Administrative Law Judge gave little weight to the opinion of Dr. Pashi,
23 described as Plaintiff's family practitioner, which limited Plaintiff to lifting 10 pounds
24 occasionally and frequently, and sitting or standing only two hours in an eight hour day.
25 The Administrative Law Judge thought that this opinion was both conclusory and belied
26 by the record. [AR 37]

27 An administrative law judge can reject a physician's opinion if he gives
28 reasons that are appropriate under governing law. *Magallanes v. Bowen*, 881 F.2d 747, 751

1 (9th Cir. 1989). Whether or not the opinion was conclusory, the Administrative Law Judge
2 was justified in rejecting it on the basis that it was belied by the record. Contrary to
3 Plaintiff's assertion that this was a "blanket statement" that was not specific and legitimate,
4 the Administrative Law Judge identified the portions of the record that he felt made Dr.
5 Pashi's opinion unacceptable. Thus, he referenced the "unremarkable physical
6 examinations" and "mild x-ray examinations" "as discussed above." [AR 37] He
7 described those examinations and the x-ray results [AR 35-36], and his characterizations
8 of them are accurate. Indeed, even his descriptions of Plaintiff's impairments — a
9 description Plaintiff does not challenge — supports the notion that the record belied the
10 opinion of Dr. Pashi. Plaintiff had a hernia that was repaired, arthritis in one foot,
11 degenerative disc disease and mild scoliosis. These were all mild impairments, and the
12 Administrative Law Judge acted appropriately in finding that Dr. Pashi overstated the
13 limitations that they would impose on Plaintiff.

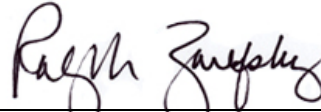
14 Plaintiff also complains that the Administrative Law Judge did not accept the
15 opinion of consultant Dr. Lim. (Plaintiff's Memorandum 7-8.) Plaintiff appears to have
16 mis-read the decision. The Administrative Law Judge gave Plaintiff the benefit of the
17 doubt, and adopted a *less* restrictive residual functional capacity than Dr. Lim proposed.
18 [AR 37] Thus, Plaintiff has no basis to complain as to Dr. Lim, and Plaintiff's arguments
19 about rejection of the physician evidence have no merit.

20 Plaintiff also complains that the Administrative law Judge discredited his own
21 testimony. Again, the Court disagrees. The Administrative Law Judge was more nuanced
22 in his comments than Plaintiff suggests. He did not find that Plaintiff's testimony was
23 completely unbelievable, but rather that it was not believable to the extent that Plaintiff
24 suggested his symptoms were totally disabling. So understood, the matters he identified
25 — that Plaintiff's treatment was conservative, that Plaintiff had worked some, and that
26 Plaintiff had pursued activities that were, at times, indicative of greater capability than he
27 asserted — were all matters that an administrative law judge appropriately can look to in
28 assessing the impact of a claimant's testimony. *Johnson v. Shalala*, 60 F.3d 1428, 1433

1 (9th Cir. 1995); *Bunnell v. Sullivan*, 947 F.2d 341 (9th Cir. 1991) (*en banc*). There was no
2 error in his having done so here.

3 In accordance with the foregoing, the decision of the Commissioner is
4 affirmed.

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6 DATED: January 15, 2015

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10 RALPH ZAREFSKY
11 UNITED STATES MAGISTRATE JUDGE
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